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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 PHILIP M. DREYFUSS, IV,

9 Petitioner, 3:14-cv-00648-RCJ-WGC

10 vs.

11 **ORDER**

12 NEVADA ATTORNEY GENERAL, *et al.*,

13 Respondents.

14 _____ /
15 In this habeas corpus action, the petitioner, Philip M. Dreyfuss, IV, has filed an application to
16 proceed *in forma pauperis* (ECF No. 1), a Petition for Writ of Habeas Corpus, and a Motion to Stay
17 Proceedings.

18 The financial information provided with the application to proceed *in forma pauperis*
19 indicates that petitioner is unable to pay the filing fee. Therefore, the *in forma pauperis* application
20 will be granted.

21 The court has reviewed the petition for a writ of habeas corpus pursuant to Rule 4 of the
22 Rules Governing Section 2254 Cases in the United States District Courts. As it is currently drafted,
23 the petition does not state comprehensible grounds for habeas corpus relief, to which the respondents
24 could reasonably be expected to respond. The court, therefore, will not order the respondents served
25 at this time.

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1 The court will grant petitioner an opportunity to file a first amended petition for writ of
2 habeas corpus (when drafting the first amended petition, the petitioner should write the words “First
3 Amended” into the caption to indicate it is such). In drafting his first amended petition, petitioner
4 should set forth in each ground for relief a plain statement of a distinct claim that his federal
5 constitutional or statutory rights were violated with respect to his conviction or sentence. For
6 example, in his current petition, under Ground 1, petitioner states, as “Fact A,” that “the police
7 extorted the confession using coercion;” in his first amended petition, that allegation could be set
8 forth as a separate ground for relief. Within each ground for relief, petitioner may then go on to state
9 his factual and legal basis for the claim. Importantly, with regard to each ground for relief, petitioner
10 must provide the information called for on the form petition regarding the procedural history of the
11 claim.

12 Petitioner’s first amended habeas petition should set forth all the claims for habeas corpus
13 relief that he wishes to assert in a federal habeas corpus action, whether exhausted in state court or
14 not.

15 If petitioner does not comply with this order, and file, within the time allowed, a first
16 amended petition for writ of habeas corpus as described above, this action may be dismissed.

17 The court will deny, without prejudice, the motion for a stay of proceedings. Petitioner may
18 file a new motion for stay, if he feels it necessary, after respondents have appeared and after the court
19 has available more complete information regarding the procedural background of this case.

20 **IT IS THEREFORE ORDERED** that petitioner’s application to proceed *in forma pauperis*
21 (ECF No. 1) is **GRANTED**. Petitioner shall not be required to pay the \$5 filing fee for this action.

22 **IT IS FURTHER ORDERED** that the clerk of the court shall file the petition for a writ
23 of habeas corpus.

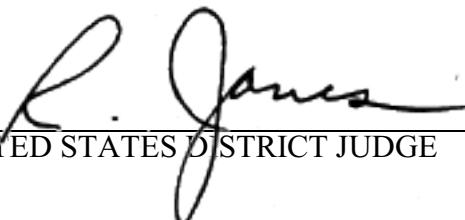
24 **IT IS FURTHER ORDERED** that the clerk of the court shall file the motion to stay
25 proceedings. The motion to stay proceedings is **DENIED** without prejudice.

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1 **IT IS FURTHER ORDERED** that petitioner shall have until and including **July 31, 2015**,
2 to file a first amended petition for writ of habeas corpus in this action (with the caption making clear
3 that it is a “first amended” petition, and with the correct case number in the caption), as described
4 above in this order.

5 **IT IS FURTHER ORDERED** that, if petitioner does not comply with this order, this action
6 may be dismissed.

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8 Dated this 1st day of June, 2015.

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11 _____
12 UNITED STATES DISTRICT JUDGE
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